

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
KENTUCKY UTILITIES COMPANY AND)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
FOR CERTIFICATES OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY AND SITE)	2022-00402
COMPATIBILITY CERTIFICATES AND)	
APPROVAL OF A DEMAND SIDE MANAGEMENT)	
PLAN)	

ORDER

This matter arises upon the motion of the Louisville/Jefferson County Metro Government (Louisville Metro), filed January 20, 2023, for full intervention. As a basis for its motion, Louisville Metro stated that it has a special interest in these proceedings not otherwise adequately represented and that it will present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). The Attorney General filed a motion to intervene in this case on November 21, 2022. The Commission granted

the Attorney General's motion to intervene on November 30, 2022. Intervention by all others is permissive and is within the sole discretion of the Commission.¹

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001E, Section 4, is twofold. Commission regulation 807 KAR 5:001E, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that Louisville Metro has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented. Additionally, Louisville Metro is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating the proceedings, for the reasons discussed below.

As stated in its motion to intervene, Louisville Metro has a special interest in this case due to the potential effects on its rates, as well as the rates of residents in Louisville/Jefferson County. Louisville Metro is one of Louisville Gas & Electric's (LG&E) largest customers, having approximately 1,400 accounts and paying approximately \$11–12 million in rates to LG&E annually.² Louisville Metro also takes service under a variety

¹ *Inter-County Rural Electric Cooperative Corporation v. Public Service Commission of Kentucky*, 407 S.W.2d 127, 130 (Ky. 1966).

² Louisville Metro's Motion to Intervene (filed Jan. 20, 2023) at unnumbered pages 1–2.

of rate classifications, including street lighting and traffic energy, which are rate classes that are unique to governments.

Louisville Metro is also likely to present issues or develop facts that will assist the Commission without unduly complicating or disrupting the proceedings. Louisville Metro participated as a member of Louisville Gas & Electric and Kentucky Utilities' (LG&E/KU) DSM-EE Advisory Group.³ Louisville Metro has intervened and participated in past Commission proceedings involving LG&E/KU.⁴ In its motion, Louisville Metro noted that it intended to focus its participation in these proceedings to LG&E/KU's proposed DSM plan and the impact of the proposed new generation facilities on electric rates. While there is overlap between Louisville Metro and the Lexington-Fayette Urban County Government's (LFUCG) interests, the Commission has previously allowed both local governments to intervene.⁵ Moreover, both Louisville Metro and LFUCG have retained the same private law firm to represent their interests. The same firm represented both Louisville Metro and LFUCG in Case Nos. 2020-00349 and 2020-00350.

³ Application, Direct Testimony of John Bevington, Exhibit JB-2.

⁴ Case No. 2018-00295, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates* (Ky. PSC Apr. 30, 2019); Case No. 2020-00350, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit* (Ky. PSC June 30, 2021); Case No. 2021-00393, *Electronic 2021 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* (Ky. PSC Sept. 16, 2022).

⁵ See Case No. 2018-00294, *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates* (Ky. PSC Apr. 30, 2019) and Case No. 2018-00295, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates* (Ky. PSC Apr. 30, 2019); Case No. 2020-00349, *Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates, A Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit*, (Ky. PSC June 30, 2021) and Case No. 2020-00350, *Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit* (Ky. PSC June 30, 2021).

Based on the above, the Commission finds that Louisville Metro should be granted full rights of a party in this proceeding. The Commission directs Louisville Metro to the Commission's July 22, 2021 Order in Case No. 2020-00085⁶ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

1. Louisville Metro's motion to intervene is granted.
2. Louisville Metro is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Louisville Metro shall comply with all provisions of the Commission's regulations, 807 KAR 5:001E, Section 8, related to the service and electronic filing of documents.
4. Louisville Metro shall adhere to the procedural schedule set forth in the Commission's January 6, 2023 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001E, Section 8(9), within seven days of service of this Order, Louisville Metro shall file a written statement with the Commission that:
 - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and
 - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

⁶ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

PUBLIC SERVICE COMMISSION


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Vice Chairman


Commissioner



ATTEST:


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